

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

-----  
MARCELLOUS L. WALKER, ERIC HENDRICKSON,  
FREDERICK LEE PHARM, SHERMELL TABOR,  
EDWIN JONES and BRANDON SUSTMAN,

Plaintiffs,

MEMORANDUM

07-C-675-bbc

v.

KEVIN R. HAYDEN, DHFS Secretary; and  
STEVE WATTERS, SRSTC Director,

Defendants.

-----

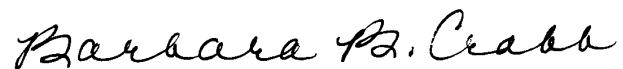
On June 18, 2008, I granted defendants' motion to dismiss plaintiffs' federal law claims with prejudice and state law claims without prejudice after finding that plaintiffs did not state a claim for relief under federal law.

Now, plaintiffs have filed a notice of appeal, which I construe to include a request to proceed in forma pauperis on appeal. As I have found previously, plaintiffs are not subject to the Prisoner Litigation Act of 1996 because they are not prisoners. Therefore, pursuant to Fed. R. App. P. 24(a)(3), they may proceed in forma pauperis on appeal because they were allowed to proceed in forma pauperis in this court unless I certify that the appeal is not

taken in good faith. Upon review of the record, I cannot find that plaintiffs are not entitled to proceed in forma pauperis on appeal, and I cannot certify that an appeal would be taken in bad faith.

Entered this 2d day of July, 2008.

BY THE COURT:

A handwritten signature in cursive script, reading "Barbara B. Crabb".

---

BARBARA B. CRABB  
District Judge